

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

TYLER DIVISION

DATE: December 4, 2014

JUDGE

K. Nicole Mitchell

Courtroom Deputy: Lisa Hardwick

Court Reporter: Jill McFadden

Law Clerk: Tim Rawson

SMARTFLASH LLC ET AL

V

APPLE INC., ET AL

CIVIL ACTION NO: 6:13-CV-447

SMARTFLASH LLC ET AL

V

SAMSUNG ELECTRONICS CO. LTD ET AL

CIVIL ACTION NO. 6:13CV448

**DISPOSITIVE/DAUBERT MOTION
HEARING**

ATTORNEYS FOR PLAINTIFF

ATTORNEYS FOR DEFENDANTS

SEE SIGN-IN SHEETS

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 2:00 p.m.

ADJOURN: 5:01 p.m.

TIME:	MINUTES:
2:00 pm	Case Called. Appearances made. (See Attorney Sign-In Sheet)
2:00 pm	Counsel announced the order motions are to be argued and ready to proceed.
2:03 pm	Defendant Apple attorney Kevin Post began argument on Defendants' Apple and Game Circus [270] Motion for Summary Judgment of Invalidity Under 35 U.S.C. 102, 103. [Defendants Exedea, Game Circus, HTC, and Samsung Motion at DE 325 in case 6:13cv448]
2:21 pm	Response by Plaintiff's attorney Justin Nemunaitis.
2:32 pm	Response by Mr. Post.

DAVID J. MALAND, CLERK

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BY: Lisa Hardwick, Courtroom Deputy

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TIME:	MINUTES:
2:35 pm	Response by Mr. Nemunaitis.
2:36 pm	Plaintiff's attorney Jason Cassady began argument on the next motion, Plaintiff's [328] Motion to Strike Portions of the Expert Reports of Dr. Reibstein, Dr. Ugone, and Mr. Napper [filed in 6:13cv448]
2:51 pm	Response by Defendant Samsung attorney Charles Verhoeven.
3:01 pm	Response by Mr. Cassady.
3:03 pm	Response by Mr. Verhoeven.
3:06 pm	Response by Mr. Cassady.
3:09 pm	COURT RECESSED
3:26 pm	COURT RESUMED
3:26 pm	Wallace Dunwoody argued the next motion, Defendants [265] Motion for Summary Judgment [Motion at 316 in 6:13cv448.] Mr. Dunwoody included in his argument Defendants' Apple and Game Circus [279] Motion to Exclude the Opinion of Dr. Mills.
3:46 pm	Response by Plaintiff's attorney John Summers and Jason Cassady.
3:59 pm	Response by Mr. Dunwoody.
4:04 pm	Response by Mr. Summers.
4:06 pm	The Court inquired as to the claim splitting issue and requested the Plaintiff file a notice to the Court within two days on their position.
4:07 pm	Response by Mr. Cassady.
4:08 pm	Response by Mr. Dunwoody.
4:09 pm	Defendant Apple's attorney Megan Raymond argued the next motion, Apple's [267] Motion for Summary Judgment of No Willful Infringement and No Indirect Infringement [6:13cv447 case]
4:19 pm	Defendant Samsung attorney Melissa Bailey argued similar [318] Motion for Summary Judgment of No Willful and No Indirect Infringement. [6:14cv448 case]
4:25 pm	Response by Plaintiff's attorney Chris Stewart to both arguments on the Motion for Summary Judgment of No Wilful Infringement and No Indirect Infringement.
4:50 pm	Brad Caldwell advised the Court that an agreement had been reached re some witnesses that had been added late to the disclosure list. The parties have agreed that some of these witnesses can be deposed prior to the trial, even after the end of discovery rather than file a motion. Mr. Caldwell requested leave to be able to take the deposition of those potential witnesses after the close of discovery. Mr. Post and Ms. Bailey stated that was the agreement. The Court stated that if that is what the parties had agreed to, the request was granted.
4:51 pm	Defendant Apple attorney James Batchelder argued the next motion, Defendants' [269] Motion for Summary Judgment Regarding Indefiniteness. [Motion at DE 323 in 6:13cv448]

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